	Application No.	Applicant(s)
Notice of Allowability	09/500,269	FOX ET AL.
	Examin r	Art Unit	
	Thomas M Ho	2134	

-- Th MAILING DATE of this communication appears on the cover sh t with the correspond nc address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>9/15/04</u>.

2. ☒ The allowed claim(s) is/are <u>1-27</u>.

3. ☒ The drawings filed on <u>3/26/01</u> are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

    Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachm nt(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Reasons for Allowance

Initially in the Advisory action of 9/09/04, the Examiner evaluated the words amended into claim 1 regarding the phrase "non-integrated" over the word "disparate". New issues were raised regarding the structure of the multi-module software. While software may often span different modules such as understood in the art in the case of CORBA or COM objects, or even instantiated classes within OOP languages, these disparate functional units share an essential integration with one another, especially in the passage of data, and sharing of variables, functions, or classes. Furthermore, Objects or software modules for use in the Superset application using the disparate modules would be specifically designed to work together towards a common goal such as those found in operating systems or website backend architectures.

Fox et al., however, discloses the use of this term in the context of completely separate programs, and not programming modules. Further consideration was given to the nature of their "integration". Fox et al. uses the analysis work of these separate programs to store the data into a common system model database. Thus the manner in which these programs are integrated share no common goal in their functionality with each other, unlike software modules. Furthermore, while cross integration between data gathering modules may exist for large software applications (functions, parameters, sharing of data, knowledge of each other's existence), no integration would exist between the disparate programs that were originally programmed as separate executables. For this reason, the Examiner after consideration of the amendment, has considered the independent claims, and consequently the dependent claims, to be allowable.

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